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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,307	02/19/2004	Jerry Randall Rue	20630.001	7634
42922	7590	05/17/2006		
		WHITAKER, CHALK, SWINDEL & SAWYER, LLP	EXAMINER	
		3500 CITY CENTER TOWER II	LANDRUM, EDWARD F	
		301 COMMERCE STREET	ART UNIT	PAPER NUMBER
		FORT WORTH, TX 76102-4186		3724

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/782,307	RUE, JERRY RANDALL
	Examiner	Art Unit
	Edward F. Landrum	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 March 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1, 4-12, 14, 16-26, 28, and 30-47 is/are pending in the application.  
 4a) Of the above claim(s) 5-12, 19, 20, 23, 25, 26, 28 and 35-47 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1, 4, 14, 16-18, 21, 22, 24, and 30-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: Reciprocating Saw Examples.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not understood how the shims can be used to adjust the angle using shims between the motor mount and the mounting plate because doing so would make it impossible to screw the motor mount into the mounting plate because of the change in angle between the holes of the motor mount and the holes of the mounting plate.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 14, 16-18, 21, 22, 24, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (U.S Patent No. 4,186,784) in view of Miller (U.S Patent No. 5,398,740) in further view of Mcoubrey (U.S Patent No. 4,458,569), Bednar (U.S Patent No. 5,724,741), and Ketchpel el al (U.S Patent No. 3,802,079), hereinafter Ketchpel.

Stone teaches (see Figures 1, 3, 5, and 6) a worktable with a mounting plate (72) disposed in the middle of the worktable where the mounting an elongated blade opening

centrally disposed in the mounting plate. The table is designed with the ability to hold a plurality of different tools (Col. 1, lines 25-27), including a reciprocating saw (as shown in Figure 6), with one or more machine screws, and has an additional work surface (20) placed on top of the table (Col. 2, lines 11-15) that has a hole in it for the saw blade. The mounting plate, composed of heavy gauge steel (Col. 3, lines 61-63), comprises a plurality of mounting holes (see Figure 5) for attachment of a motor mount to the mounting plate's underside. A motor mount (110) is disposed between and attached to the saw motor housing and the second surface of the mounting plate for supporting the saw motor. Figure 6 shows a jigsaw (reciprocating saw) with a blade, an output shaft, and a clamping mechanism attaching the two

Stone teaches all of the elements of the current invention as stated above the mounting plate being generally coplanar with the work surface; holding a motor vertically with respect to the work surface; the angle of the axis of reciprocation being approximately four degrees and variable plus or minus four degrees; the mounting holes in the mounting plate being countersunk to receive flat head screws; the work surface being at least four feet wide; the reciprocating output shaft having a stroke of at least half an inch; a blade clamping means; the motor mount being secured to the motor housing by one or more machine screws; the motor mount comprising a box-like adapter enclosing the blade clamping means; and the motor mount being made out of a material capable of being cast.

Miller teaches (see Figures 1-3) a power tool table (10) with a mounting plate (20) mounted coplanar with the surface of the table (10) and including flat-head screws

(22a) for the purpose of mounting the tool on the mounting plate thereby reducing wear to the table caused my mounting the tool directly to the table (Col. 1, lines 26-55).

McCoubrey teaches (see Figure 1) a worktable with the ability to hold a motor vertically with respect to the top surface of the worktable.

Bednar teaches (see Figures 1 and 2) a reciprocating saw with an elongate blade (18) attached to the motor by a clamping mechanism (22) and having a metal (see Figure 6) shoe (24, 26, 54, 58, and 64) attached to the motor housing by a machine screw (62). The shoe has two faces; the first face (24) has an elongate blade opening for the saw blade; the second face (26, 54, 58, and 64) is adapted to attach (Col. 3, lines 58-67; Col. 4, lines 1-6) to the saw motor housing (12). The shoe is designed to enclose the blade clamping mechanism (22) and allows the blade clamping mechanism (22) to reciprocate without interfering with the work piece being cut.

Ketchpel teaches (Col. 1, lines 22-29; Col. 4, lines 17-36) the ability to adjust the angle of a saw blade between the angles of eight degrees and negative two degrees.

It would have been obvious to have modified Stone to incorporate the teachings of Miller, McCoubrey, Bednar, and Ketchpel to mount a reciprocating saw vertically with respect to a work table. It has been shown that saws of different sizes and weights can all be supported underneath a worktable and attaching a reciprocating saw with a vertically displaced motor would offer more power and a longer cutting stroke than a conventional jigsaw to let a user cut larger and more rigid objects like those able to be cut by a chainsaw. A reciprocating saw has less moving parts than a chainsaw and generally require less maintenance, and also are generally considered safer to use.

The shoe of the reciprocating saw could act as a motor mount and be attached to the underside of the mounting plate for the purpose of providing a space for the output shaft and blade clamping means to reciprocate without having to worry about either hitting a part of the mounting plate or entering the cutting area above the work surface. Cutting at an angle with respect to the work piece would allow the saw blade to enter the work piece gradually thereby allowing for a cleaner cut by stopping the saw blade from jamming when first entering the work piece.

Although the modified device of Stone does not teach attaching the work surface by individual fasteners to first and second side rails Stone does teach attaching the work surface to the top of the work table (Col. 2, lines 11-15). The attachment means are equivalent and therefore one of routine skill in the art would have no problem exchanging one with the other.

Regarding Claim 18, the modified device of Stone does not specifically teach that the work table could support a work piece at least four feet wide, the examiner takes official notice that it would have been obvious to create a work surface for a table that was capable of holding a material it was specifically designed to cut.

Regarding claims 21, and 24, a reciprocating output shaft having a reciprocating stroke of at least one-half inch is old and well known in the cutting art as stated by Applicant in the disclosure (pg 8, line 15). Furthermore, the use of a rotating collar mechanism for a blade clamping means is old in well known in the cutting art as stated by Applicant in the disclosure (pg 9, line 1).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 4, 14, 16-18, 21, 22, 24, and 30-34 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's assertion that the mounting plate of Stone would not support a reciprocating saw, the Examiner has provided some examples of different types of reciprocating saws, those found in Stone and the one in the instant application. The difference in weight between the two types of reciprocating saws is a maximum of 2 pounds. Furthermore, Applicant's assertion that Stone will not support the reciprocating saw of the instant application is an opinion.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hedrick (U.S Patent No. 5,289,861), Smith (U.S Patent No. 6,520,224), and Keller (U.S Patent No. 4,483,573) teach mounting plates for saws. Keith-Lucas (U.S Design Patent No. 471,782), and Schmitz (U.S Patent No. 6,138,364) teach variable angle reciprocating saws. Mattchen (U.S Patent No. 4,106,181) teaches a hand-operated quick release mechanism.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL  
5/2/2006

  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER